UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

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| IN RE:<br>RUDY RIVERA RIVERA<br><br>DEBTOR (S) | CASE NO. 10-02002-BKT<br><br>CHAPTER 13 |

# TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED PLAN CONFIRMATION UNDER §1325

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **$6,140.00** **R2016 STM**. **$3,000.00**

**TOTAL ATTORNEYS FEES THRU PLAN: $2,854.00 Fees paid: $0.00 Fees Outstanding: $2,854.00**

With respect to the proposed (amended) Plan dated: **April 14, 2010** (Dkt 19)**.** Plan Base: **38,400.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 &§1302(b)]

Debtor has failed to submit to the Trustee the following: 1) evidence of the court order fixing DSO obligation in $1,000.00; 2)copy of Debtor's divorce decree/judgment 2008; 3)evidence of $608.43 expense listed in line 30 of the Means Test; 4) copy tax return for the year 2009 with all of its exhibits; 5)monthly operating reports; 6)evidence of having filed CRIM's property tax return for the past 4 years.

- Other/Comments

Debtor must submit evidence of business expenses. Said expenses should be listed in line 59 and must comply with the burden of section 707 b of the Bankruptcy Code. Debtor must amend Schedule C entirely for he used the new exemptions of April when this case was filed in March. The Trustee will file a formal objection to the mentioned exemptions.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this April 27, 2010.

/s/ Jose R. Carrion

/s/ Nannette Godreau -Staff Attorney

JOSE R. CARRION
CHAPTER 13 TRUSTEE

PO Box 9023884, San Juan, PR 00902-3884
Tel. (787) 977-3535 Fax (787) 977-3550